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SENATE

{ REPORT
No. 1310

AMENDING SECTION 10 OF PUBLIC, NO. 360, SEVENTY-SEVENTH CONGRESS, TO GRANT NATIONAL SERVICE LIFE INSURANCE IN THE CASES OF CERTAIN ARMY FLYING CADETS AND AVIATION STUDENTS WHO DIED AS THE RESULT OF AVIATION ACCIDENTS IN LINE OF DUTY BETWEEN OCTOBER 8, 1940, AND JUNE 3, 1941

MAY 6 (legislative day, APRIL 30), 1942.—Ordered to be printed

Mr. CLARK of Missouri, from the Committee on Finance, submitted the following

REPORT

[To accompany S. 2275]

The Committee on Finance, to whom was referred the bill (S. 2275) to amend section 10 of Public, No. 360, Seventy-seventh Congress, to grant national service life insurance in the cases of certain Army flying cadets and aviation students who died as the result of aviation accident in line of duty between October 8, 1940, and June 3, 1941, having considered the same, report favorably thereon and recommend that the bill do pass.

The purpose of this bill is to provide an aggregate minimum amount of \$10,000 insurance, without payment of premiums, for Army flying cadets and aviation students who died between October 8, 1940, and June 3, 1941, as a result of an aviation accident incurred in line of duty while in such active service.

October 8, 1940, as used in the bill, is the date of the enactment of the National Service Life Insurance Act of 1940, while June 3, 1941, as used in the bill, is the date of the approval of Public Law No. 97 and Public Law No. 99, Seventy-seventh Congress, providing that Army flying cadets and aviation students shall be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid by the Government.

The bill would make retroactive to October 8, 1940, Public Laws Nos. 97 and 99, Seventy-seventh Congress, to provide an aggregate minimum insurance protection of \$10,000, on which payment of premiums is not required, to Army flying cadets and aviation students who died in line of duty as a result of airplane accidents during such period.

The cases provided for under this bill are relatively few. A report of the Committee on Claims of the House of Representatives on the

bill H. R. 5039, Seventy-seventh Congress, No. 1107, indicates only two such cases are known to the Veterans' Administration. Future cases of this nature will not arise because under the law referred to, Public, Nos. 97 and 99, insurance is provided from the time training commences without having to purchase that protection.

Your committee feel, after receiving the report of the Subcommittee on World War Veterans' Legislation and considering the merits of the bill, that the bill warrants their favorable recommendation.

For the further information of the Senate there is appended hereto and made a part of this report a letter to the chairman of the Finance Committee from the Administrator of Veterans' Affairs under the date of March 23, 1942, and a letter to the chairman of the Finance Committee from the Secretary of War under the date of March 26, 1942, reading as follows:

VETERANS' ADMINISTRATION,
Washington, March 23, 1942.

HON. WALTER F. GEORGE,
Chairman, Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR GEORGE: Further reference is made to your letter dated February 14, 1942, requesting a report on S. 2275, Seventy-seventh Congress, "A bill to amend section 10 of Public, No. 360, Seventy-seventh Congress, to grant national service life insurance in the cases of certain Army flying cadets and aviation students who died as the result of aviation accident in line of duty between October 8, 1940, and June 3, 1941," which provides:

"That section 602 (d) of the National Service Life Insurance Act, as amended by section 10 of Public, Numbered 360, Seventy-seventh Congress, approved December 20, 1941, be, and the same is hereby, amended by substituting a colon for the period at the end of (d) (2) thereof and adding the following: 'Provided, That if such person serving as a flying cadet or aviation student, Air Corps, Army, between October 8, 1940, and June 3, 1941, the date of approval of Public Law Numbered 97 and Public Law Numbered 99, Seventy-seventh Congress, and died as the result of an aviation accident incurred in line of duty while in such active service, such person shall be deemed to have applied for and to have been granted an aggregate amount of insurance of not less than \$10,000. Any additional insurance granted by virtue of this proviso shall be payable in the manner provided by this section.'"

The purpose of the bill is to provide an aggregate minimum amount of \$10,000 insurance, without payment of premiums, for Army flying cadets and aviation students who died between October 8, 1940, and June 3, 1941, as a result of an aviation accident incurred in line of duty while in such active service.

Section 10 of Public, No. 360 provides for an aggregate minimum amount of \$5,000 insurance protection, on which payment of premiums is not required, to every person in the active military or naval service, including Army flying cadets and aviation students, who died as a result of injury or disease incurred in line of duty between October 8, 1940, and April 20, 1942. The present bill would provide an aggregate minimum insurance protection of \$10,000, on which payment of premiums is not required, to Army flying cadets and aviation students who died in line of duty as a result of an airplane accident during such period.

Section 5 of Public Law No. 97, Seventy-seventh Congress, approved June 3, 1941, provides:

"Aviation cadets shall be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid by the Government. Upon being commissioned as second lieutenants, Air Corps, Reserve, they shall have the option of continuing such policies at their own expense."

This section is not retroactive, provides for payment of premiums by the Government, and is applicable only to those living on or after June 3, 1941.

Public Law No. 99, Seventy-seventh Congress, approved June 3, 1941, provides:

"That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to cause the detail of enlisted men of the Regular Army and of other components of the Army of the United States in active Federal service for training and instruction as aviation students, in their respective grades, in such numbers and schools as he shall direct: *Provided*, That enlisted men so de-

tailed as aviation students who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights shall be issued Government life insurance in the amount of \$10,000 under the National Service Life Insurance Act of 1940 (Public, Numbered 801, title VI, part 1), except that the premiums shall be paid by the Government during the period such enlisted men are undergoing training and instruction, and upon completion of training and instruction as aviation students they shall have the option of continuing such policies at their own expense: *And provided further*, That nothing herein shall be construed as repealing or otherwise affecting existing statutory authorizations for the appointment and training of aviation students or aviation cadets."

This act also is not retroactive, provides for payment of premiums by the Government, and is applicable only to those living on or after June 3, 1941.

While the death of a flying cadet or aviation student incurred as a result of an airplane accident between October 8, 1940, and June 3, 1941, cannot help but invoke a feeling of sympathy for his dependents, it cannot be denied that other members of the armed forces of the United States have recently died under conditions at least as tragic.

There does not appear to be any valid reason for providing insurance protection without payment of premiums to certain flying cadets and aviation students in excess of the insurance protection provided for other members of the military and naval forces who met death in line of duty in the performance of extra-hazardous service.

It is suggested that you probably will desire to secure a report from the War Department, particularly because of the enactment of Public Laws Nos. 97 and 99, Seventy-seventh Congress, having been recommended by that Department.

In view of the foregoing, the Veterans' Administration is unable to recommend favorable consideration of the bill.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Very truly yours,

FRANK T. HINES, *Administrator*.

WAR DEPARTMENT,
Washington, March 26, 1942.

Hon. WALTER F. GEORGE,
Chairman, Committee on Finance, United States Senate.

DEAR SENATOR GEORGE: The War Department is opposed to the enactment of S. 2275, a bill "To amend section 10 of Public Numbered 360, Seventy-seventh Congress, to grant National Service Life Insurance in the case of certain Army flying cadets and aviation students who died as the result of aviation accident in line of duty between October 8, 1940, and June 3, 1941."

The effect of this bill if enacted would be to grant free insurance in the amount of \$10,000 to a limited number of flying cadets who died in line of duty between October 8, 1940, and June 3, 1941, in lieu of the \$5,000 free insurance granted under similar conditions to all military personnel for the period of October 8, 1940, to about April 20, 1942, by the act of December 20, 1941 (Public, No. 360, 77th Cong.), which includes a subparagraph as follows:

"(4) The benefits and privileges extended by this section are hereby extended by the Congress because many of the personnel of our armed forces (1) were unable to comply with the prerequisites necessary to the granting of insurance by reason of extended duty in the North Atlantic, Hawaii, the Philippines, and other outlying bases; (2) had failed or neglected to apply for such insurance in the expectation that their service would be peacetime service only; and (3) by reason of the suddenness with which war was thrust upon us, had not sufficient time to apply for such insurance prior to engaging in combat. The Congress hereby declares that no further relief of such character will be granted."

In the opinion of the War Department, the policy announced by the Congress in the subparagraph quoted above is sound, and there appears to be no justifiable reason for now authorizing an additional \$5,000 for a beneficiary in the case of a flying cadet but not for the beneficiary of any other soldier or sailor.

The Bureau of the Budget advises that there is no objection to the submission of this unfavorable report to the committee.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War*.

